

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 1519 - SB 2532

February 14, 2014

SUMMARY OF BILL: Provides that a pregnant mother can be prosecuted for assaultive offenses if the child is born addicted to or harmed by the woman's illegal use of narcotic drugs or for criminal homicide if the child dies as a result of the woman's illegal use of narcotic drugs.

ESTIMATED FISCAL IMPACT:

NOT SIGNIFICANT

Assumptions:

- Tenn. Code Ann. §§ 39-13-107 and 39-13-214 were amended by 2012 Pub. Ch. 1006, which changed the statutory language relative to human embryos and fetuses and deleted the proposed language of this bill. As a result, a pregnant woman could not be prosecuted for harming her unborn child from drug or alcohol abuse. *See* Opinion of the Attorney General 13-01 (Revised) (Feb. 1, 2013). The fiscal note for 2012 Pub. Ch. 1006 did not reflect a decrease in state expenditures from a reduction in convictions. Thus, amending Tenn. Code Ann. §§ 39-13-107 and -214 to allow pregnant mothers to be prosecuted for harming their unborn child from drug or alcohol abuse will not have a significant impact on the state, as the Department of Correction is currently receiving funding for such admissions.
- The bill, while not returning Tenn. Code Ann. § 39-13-107 and -214 to the same language that existed before 2012 Pub. Ch. 1006, provides that a pregnant woman can be prosecuted for harming her unborn child from drug or alcohol abuse.
- Since the bill essentially returns the law to how it was prior to 2012 Pub. Ch. 1006, it is assumed that the impact to the caseloads of the District Attorneys General Conference, the District Public Defenders Conference, and the Administrative Office of the Courts, will not be significant and that any impact can be accommodated within existing resources.

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CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "Lucian D. Geise". The signature is fluid and cursive, with the first name "Lucian" written in a larger, more prominent script than the last name "Geise".

Lucian D. Geise, Executive Director

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